

REMARKS

This is intended as a full and complete response to the Final Office Action dated October 8, 2003, having a shortened statutory period for response extended two-months set to expire on March 8, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-3, 5-9, and 11-26 remain pending in the application after entry of this response and are shown above. Claims 4 and 10 have been cancelled without prejudice. Claim 4 has been represented as new claim 25. Applicant respectfully requests reconsideration of the claims for the reasons presented herein.

Claim 14 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Stogner*, U.S. Patent No. 5,255,751. The Examiner states that *Stogner* discloses a method for facilitating the connection of tubulars using a top drive, the method comprising the steps of adjusting a supporting member 22 supporting a tool 23 to cause the tool to be displaced horizontally relative to the top drive. The Examiner further states that it is inherent that the supporting member of *Stogner* is attached to a top drive not shown in the drawing as is known in the art.

Applicant respectfully traverses the rejection. *Stogner* discloses a drill pipe make-up and breakout tool comprising an upper housing, lower housing (each housing with a jaw) and spring-biased legs. The upper housing comprises a reversible rotating jaw that may utilize a hydraulic motor to provide motive force to the jaw. (See, col. 4, lines 7 – 11) In other words, the top drive is not used to provide rotation and torque to make up and breakout the tubular connection, rather, the upper housing has its own motor for providing torque to the jaws. Moreover, *Stogner* does not inherently disclose attaching the make-up tool to the top drive. Instead, *Stogner* discloses positioning the tool on its legs over the mouse hole in a platform. (See, col. 4, lines 55 – 57) Furthermore, *Stogner* tool would not function as described if it is attached to the top drive. Particularly, the upper housing is designed to grip a lower portion 14 of top pipe 12, and the lower housing is designed to grip the bottom pipe 20. (See, Figure 1) If the

Stogner tool is attached to the top drive, it would not be possible for the tool to grip two pipes because the top drive is where the top pipe would have been. Therefore, *Stogner* does not teach, show, or suggest attaching a tool to the top drive using a supporting member as recited in claim 14 and claims depending therefrom. Additionally, *Stogner* does not teach, show, or suggest adjusting the supporting member to cause the tool to be displaced horizontally relative to the top drive, as recited in claim 14 and claims depending therefrom. *Stogner* also does not teach, show, or suggest transferring a torque from the top drive to the tool, as recited in claim 16. Further, *Stogner* does not teach, show, or suggest engaging an interior portion of the tubular with the tool, as recited in claim 19. Applicant believes claims 14-19 are in condition for allowance and respectfully requests allowance of the same.

Claims 1-3 and 5-9, 11, 12, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stogner* in view of *Boyadjieff*, U.S. Patent No. 4,625,796. The Examiner states that *Stogner* discloses an apparatus for facilitating the connection of tubulars using a top drive, the apparatus comprising a supporting member 22 for supporting a tool 23 and a means for allowing substantially horizontal and vertical movements of the supporting member. The Examiner further states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have attached the top drive of *Stogner* to a plate, in light of the teachings of *Boyadjieff*, as is conventional in the art.

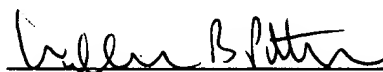
As discussed above, *Stogner* does not disclose connecting the make-up tool to the top drive. *Boyadjieff* discloses a top drive having a backup tool for retaining the upper end of the drill string against rotation as the added length of pipe is connected. *Boyadjieff* does not teach, show, or suggest a motive member for allowing substantially horizontal movement. The references do not provide a motivation or suggestion to combine the make-up tool of *Stogner* with the top drive system of *Boyadjieff*. To the contrary, *Stogner* discloses positioning the tool on its legs over the mouse hole in a platform. Thus, even though the *Stogner* tool is shown with a top drive, it does not disclose connecting its make-up tool to the top drive. Therefore, the references, neither alone nor in combination, teach, show, or suggest an apparatus comprising a plate

attachable to said top drive, a supporting member for supporting a tool, and a motive member for allowing substantially horizontal movement of said supporting member, as recited in claim 1 and claims depending therefrom. Also, the references, neither alone nor in combination, teach, show, or suggest attaching a tool to the top drive using a supporting member and adjusting the supporting member to cause the tool to be displaced horizontally relative to the top drive, as recited in claim 14 and claims depending therefrom. Additionally, the references, neither alone nor in combination, teach, show, or suggest a top drive system for connecting tubulars comprising a top drive, a tubular gripping apparatus, and a structural intermediate operatively coupling the tubular gripping apparatus to the top drive, wherein the structural intermediate is adapted to allow the tubular gripping apparatus to move horizontally relative to the top drive, as recited in new claim 20 and claims depending therefrom. Therefore, Applicant believes the claims 1-3, 5-9, and 11-26 are in condition for allowance and respectfully requests allowance of the same.

In conclusion, the references cited by the Examiner, neither alone nor in combination, teach, show, or suggest the inventions as claimed.

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the same be allowed.

Respectfully submitted,



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